



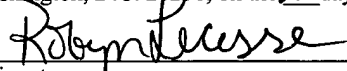
Attorney's Docket No.: A00312.70388/SJH/MXS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Schubert, et al.
Serial No: 09/748,700
Filed: December 22, 2000
For: DEVICE FOR USE IN CONTROLLING A SAMPLE RATE
Examiner: Not Yet Assigned
Art Unit: 2631

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, Washington, D.C. 20231, on the 27 day of December, 2001.


Signature

Commissioner For Patents
Washington, D.C. 20231

Sir:

Transmitted herewith is/are the following document(s):

- ☒ Information Disclosure Statement
- ☒ PTO Form 1449 with cited references
- ☒ Copy of International Search Report dated November 6, 2001
- ☒ Return Receipt Postcard

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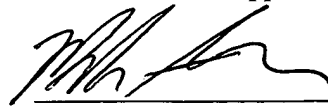
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Technology Center 2600

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts.

No fee is enclosed. If a fee is necessary, the Commissioner is hereby authorized to charge Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,
Schubert, et al., Applicant(s)



Mark Steinberg, Reg. No.: 40,829
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2211
Attorneys for Applicant(s)

Docket No. A00312.70388/SJH/MXS

Date: *December 27, 2001*

X January 6, 2002

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Signature Robyn L. Lescasse

Commissioner for Patents
Washington, D.C. 20231

**SUPPLEMENTAL STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case. No fee or certification is required.

PART II: - Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

Search Report issued by the International Searching Authority in regard to International Application No. PCT/US00/35170. Note that the claims of the International Application are not necessarily the same as in the above-identified application. A copy of the Search Report and a copy of the published International Application are enclosed.

PART III: Remarks

A copy of each of the above-identified information is enclosed unless otherwise indicated on the attached form PTO-1449 (modified). It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,
Schubert, et al., Applicant(s)

By: 

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Docket No. A00312.70388/SJH/MXS

Dated: *December 27, 2001*
xJanuary 6, 2002